

IN THE NAME OF ALLAH, THE Beneficent,
The Merciful,

AS-SALAAM-ALAIKUM
(Peace be unto U)

1/23/06

C.A.NO. 05-399-55F

Motion for Injunction and Temporary Restraining

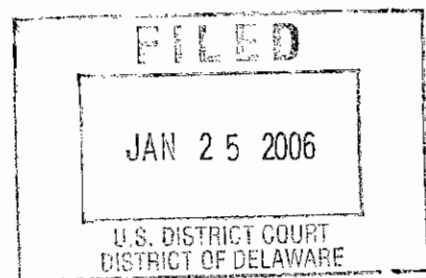
DEAR COURT Plaintiffs are seeking injunction
and Temporary Restraining order on his
Classification.

Defendants are trying to classify Plaintiff
to higher security when Plaintiff Classification
does not require such actions.

Plaintiff need Court to immediately step in
before irreparable harm is done and liberty
is violated.

Please read this information and order
are injunction and Restraining order (T.R.O.) on
Defendants.

James Wilson



IN THE NAME OF ALLAH, THE BENEFICENT, THE MERCIFUL, I BEAR WITNESS THAT THERE IS NO GOD BUT ALLAH AND I BEAR WITNESS THAT MUHAMMAD IS HIS MESSENGER.

As-Salaam-Alaikum, which means peace be unto you.

This letter comes to inform Classification, The Warden, The Commissioner and all those who need to be inform concerning my status under parole violation.

I was sentence in 1985 to 18½ years with 11 of that sentence mandatory. I made parole in 1996 and was out for 3 years before I received a parole violation in 1999.

According to Title 11sec: 4347(i) my time served on parole is to be accounted,if though I had served this time in prison. this law is very clear in terms of Parole and Procedure. A violation of this law will subject all entities to a Civil Procedure.

My classification is not in the criteria of an override because I have 16 years in on my 1985 sentence. My robbery 1 charge was handed down to me in 1985 and any one with math tools can see and understand that I have more than ten years in on this sentence.

I received information from Ms. Fuhrman and Angus N. MacLennan ICO II of the Classification Office that I'm in this newly added classification system. So I took the liberty to research the needed information and I'm right when I say I do not fit this newly classification system.

I would strongly advise each and everyone to read Title 11 sec: 4347 along with 4352 to enlighten you on parole violators, and return of violator of parole or conditional release, procedure and action on violation.

Conclusion, if we cannot reslove this matter through this letter and the information provided in Title 11 Sec: 4347 and 4352 then my next objective will be to get the Court to explain that all my time is to be accounted for from 1985 until to date through a Mandamus Civil Complaint ~~Former~~. I was Sentence on 1-26-85 for a Robbery 1, I made parole in 1996 and came back to prison in 1999 on parole violations for the same charges of 1985 so according to parole authority and procedure sec: 4347(i) The period served on parole or conditional release shall be deemed service of the term of imprisonment and subject to the provisions contained in sec: 4352 of this title. This is the law according to the parole rules. My classification should stay the same and there should be no override.

Thank you very much,
James Wilson 163663
Merit/ East
12/21/05

CC: Warden Rick Kearney (S.C.I.)
Comm. Stanley Taylor
Treatment Pat Ditto
S.C.C. Donna Fuhrman
District Court Civ. No. 05-399-JJF
D. Benjamin Snyder, Esq.
Paul E. Crawford
Angus N. MacLennan

IN THE NAME OF ALLAH, THE BENEFICENT, THE MERCIFUL, I BEAR WITNESS THAT THERE IS NO GOD BUT ALLAH AND I BEAR WITNESS THAT MUHAMMAD IS HIS MESSENGER.

As-Salaam-Alaikum, which means peace be unto u.

Mr. Angus McClennan

This letter comes from a discussion that I had with Ms. Fuhrman. I was sentence to 18½ years in 1985, I did 11 years on this sentence and was giving parole. I did 3 years on parole and then was violated and returned to the Institution.

According to sec. 4348 this time period served on parole shall be deemed service of the term of imprisonment, therefore, I have served a total of 14 years on 18½ sentence. Now how do I not be accounted for all my time? When the 18½ years are not up until 03. I have more then ten years in on the 18½ sentence. My sentence did not start in 1996 my sentence started in 1985 so there is no way the new classification system affects me in the sense of not having ten years in when Im still doing time for a sentence that was given to me in 1985.

I have 14 years and some in on this 18½ years sentence the parole board did not give me a new sentence this is the same sentence since 1985 and all my time is to be credit for it. My sentence did not stop when I made parole so how can I not be credit that sentence when the parole board gave me credit for it?

When the parole board revoked my parole they calculated my time from 1985 up to 1999 given me a total years served on 18½ of 14 years.

Please read Delaware Parole Procedures along with Title 11 Sec. 4348. I'm under the same time so how can this time not count?

James A. Wilson, Merit/East

RECEIVED
DEC 06 2005
SCI, CLASSIFICATION

SCI / Merit Building / East
James A. WILSON
00163663

Mr. Wilson,

In reply to the copy of the attached letter, as I was not privy to the conversation you had with Ms. Fuhrman I'm not sure that my response will solve the issue for you, but here goes.

It is my understanding from Ms. Fuhrman that you do not believe you qualify for a mandatory policy override to medium security because of the length of time you have served on your Violation of Parole. With newly added conditions to the classification system taking effect this Fall I can understand that you would be upset that suddenly the rules have changed - that the underlying Robbery 1st contained within your Violation of Parole now puts you into a different category and raises your security level because you have served less than ten years on your sentences. I can also understand that you want desperately not to fit into the policy override category as it will involve what you may perceive as a backward move. Further, I can see why you might look at the situation in a certain way and argue that position. Please recognize that you are not being singled out, the new mandatory policy overrides affect a significant number of inmates throughout the DOC.

I would therefore ask that you step back and look at your sentence(s) from a different viewpoint - the viewpoint that the objective classification system is now using for all sentenced individuals when it comes to this issue.

- o When did you get here? Is it less than ten years from that date until now? → got here 1995
- o What are you here for? Are any of your offenses considered highest severity? → Robbery 1 (1995)

In terms of the second bullet it doesn't matter which sentence you are serving at the time of your classification. The highest severity offense is always scored. If the answers to the above questions are (1) you have been here less than ten years and (2) that one of your offenses is considered highest severity then you qualify for a Mandatory Policy Override for the first 10 years of your sentence.

Sincerely,



Angus N. MacLennan ICO II
Classification Office
12-06-2005

xc. Senior Correctional Counselor Donna Fuhrman

I/M: James Wilson BLDG: MEET/EAST
SUSSEX CORRECTIONAL INSTITUTION

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